IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6800 OF 1998

Laxman Subbu Naik Petitioner

versus

State of Maharashtra & others Respondents

Mr.P.R.Arjunwadkar, adv. for petitioner.

Smt.S.S.Bhende, AGP for respondents 1 and 2.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 21st October 2004

PC :

1. This petition under Article 226 of Constitution of India prays for a direction to the respondents that norms/requirements laid down for issuing caste validity certificate be relaxed and/or waived in petitioner's case and such certificate be issued to him.

2. The facts are some what peculiar. Petitioner submits that he belongs to Lamani Caste. He passed his 10th standard examination with 62% marks. In 1996-97 he passed 12th standard examination with 69% marks. He tried to get admission to Engineering course in reserved

seats. However, requirement of rules was that such candidates should possess a caste validity certificate. Petitioner applied for such certificate but could not comply the following requirements :-

a. School Leaving Certificate of Father, Elder Brother, Sister, Uncle, Aunt.

b. Birth/Death Certificate mentioning the Caste in respect Father, Elder Brother, Uncle, Cousin Brother.

c. In case Father or Uncle are in service then the extract from the service record mentioning the Caste.

d. Any other old Revenue Documents showing the Caste.

3. Petitioner submits that his father, mother, uncle, aunt or any member in the family are uneducated. He submits that provisional admission is granted to him to Engineering course but the same is likely to be cancelled, if petitioner cannot produce the caste validity certificate within a period of six months from the date of such admission. He submits that this validity certificate cannot be granted unless the aforesaid requirements are complied with. He, therefore, seeks abovementioned direction for dispensation and/or relaxation of the abovementioned requirements.

4. We have heard Mr.Arjunwadkar for petitioner and Smt.Bhende, AGP for respondents.

5. At the time of admission of this petition this Court has noted the difficulties faced by the petitioner. This Court has noted the fact that petitioner is the first in the family of quarry workers who is claiming admission to the Engineering college. The caste claim of petitioner is required to be supported by documents which the petitioner is unable to produce. For example, the school leaving certificate of his father is a document which can never be made available. Petitioner's father never attended any school. Considering the fact that petitioner's career would be ruined, in peculiar facts and circumstances of this case, this Court permitted the petitioner to continue his studies in B.E. (Computer) course at Dr.Babasaheb Ambedkar Technical University, Lonare, Dist. Raigad.

6. After hearing learned advocates, in our view, interest of justice would be subserved if we direct the scrutiny committee which has been set up under Maharashtra Act No.23 of 2001 to scrutinize the caste claim of petitioner without in any manner insisting upon production of following documents :-

a) School Leaving Certificate of Father, Elder Brother, Sister, Uncle, Aunt;

b) In case Father or Uncle are in service then the extract from the service record mentioning the Caste.

7. The scrutiny committee should scrutinise caste claim of petitioner on it's own merits and in accordance with law. The scrutiny committee should not proceed to invalidate the caste claim only because the petitioner is unable to produce the abovementioned documents. Petitioner is at liberty to produce such materials as are available to him to substantiate his caste claim. The scrutiny committee is directed to pass appropriate orders as expeditiously as possible. We wish to make it clear that we have not expressed any views on the merits of the claim made by the petitioner. Petition disposed of accordingly.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)